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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,051	01/28/2004	Quyen Cao Hoang		2588

7590 06/08/2005
Quyen C. Hoang
6174 Westbridge Ave.
Westminster, CA 92683

EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,051

Applicant(s)

HOANG, QUYEN CAO

Examiner

Russell D. Stormer

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/28/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the decorative cap or lid of claim 12; the threaded joining feature of claims 13-15, the attachment means which secures the air communication means in the groove and the corresponding grooves in one of the remaining spokes as set forth in claim 18 must be shown or the features canceled from the claims.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because it is not in the form of a single paragraph and further because of the use of the legal term "said".

Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

The description of the prior art, including the discussions of the cited patents, should be removed from the Detailed Description of the Preferred Embodiment and moved to the Background of the Invention. The current placement of the discussion of the prior art is confusing.

The use of the term "said" in the specification is improper, and should be avoided. Note page 3 for instance.

The use of the term "lips" for the elements 9 on the rim is objected to. The elements 9 are commonly called "flanges" or "rim flanges" in the wheel art, and the term "lips" are never used.

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

There is no description of the "attachment means" which secures the air communication tube in the groove as set forth in claim 18.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 2 of claim 1, the "wheel spindle" lacks antecedent basis.

It is not clear if the "air valve and stem" of claim 13 is the same as that set forth in claim 10. It appears that a second air valve and stem are being claimed.

In claim 18, in the last two lines of page 3 of the claims, the term "easily modified" is indefinite as no description of such a feature is given, and it is not clear what such a feature would encompass. Further, the phrase "over the prior art as herein mentioned" is indefinite. The prior art has not been mentioned in the claims, and should not be, nor should a description of the prior art which has been described in the specification be referred to. In the last two lines of claim 18, the phrase "as compared to the prior art as herein mentioned" should be deleted for the same reasons given above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 10, 11, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgess.

The inflation line 31 of Burgess extends from a central location which covers the spindle mount to a position behind the wheel disc 12, to the rim where it is disposed between the rim flanges. The assembly has an air valve chamber formed by the housing 14, and a decorative cap 30. It is inherent that the air valve and stem would be of metallic construction.

9. Claims 10, 11, 12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Park.

In figure 6, Park discloses a wheel assembly comprising a housing 56, a cover 55, a wheel disc 46, a rim 34, 35, 36, and an air communication means (unlabelled) having an air valve at the end in the housing and an inflation egress extending between the flanges 34, 36 of the rim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of Minor.

Burgess appears to show a nut which secures the valve stem in place in the chamber 14, but the connection between the valve stem and the chamber is not threaded.

Minor teaches a valve or valve stem 24 which is received in a threaded opening within a chamber near the center of the wheel.

For the valve chamber of Burgess to have a threaded means for receiving a threaded connection of the valve stem would have been obvious as taught by Minor in order to better secure the valve stem to the chamber, or to eliminate the necessity of the nut and simplify assembly.

Information Disclosure Statement

12. The information disclosure statement filed January 28, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

The IDS has been considered with respect to the U.S. Patents, but the German reference can not be considered since a copy of this reference has not been submitted.

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel and valve assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/27/05


RUSSELL D. STORMER
PRIMARY EXAMINER
5/27/05